

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 JEFFREY ANTHONY WOODFORK,) Civil No. 07cv666-L(POR)
12 Petitioner,)
13 v.) **ORDER ADOPTING REPORT AND
14 JAMES TILTON, Secretary, *et al.*,) RECOMMENDATION; DENYING
15 Respondents.) PETITION FOR WRIT OF HABEAS
16 _____) CORPUS; and DIRECTING ENTRY
) OF JUDGMENT**

17 Petitioner, Jeffrey Anthony Woodfork, filed a *pro se* Petition for Writ of Habeas Corpus
18 under 28 U.S.C. § 2254 on April 12, 2007. The matter was referred to United States Magistrate
19 Judge Louisa S. Porter, for a Report and Recommendation (“Report”) under 28 U.S.C. §
20 636(b)(1)(B) and Civil Local Rule 72.3. The magistrate judge issued a Report recommending
21 the petition be denied and requiring objections, if any, to the Report to be filed no later than
22 March 14, 2008. [doc. #17].

23 The Report and an Order on petitioner’s Motion for Miscellaneous Relief were returned
24 as undeliverable. [doc. #18, 19]. On March 14, 2008, petitioner filed a notice of change of
25 address. As a result of petitioner’s change of address, the Report and the Order on petitioner’s
26 motion were resent to petitioner at his new address. The Court, *sua sponte*, extended the time in
27 which petitioner was required to file objections to the Report. *See* Order filed March 28, 2008
28 [doc. #22]. On April 24, 2008, petitioner attempted to file an “order extending time for filing

1 objections to the report and recommendation." The document was stricken by way of a
 2 discrepancy order because it was not filed as a motion and there was no proof of service. *See*
 3 Order filed April 25, 2008 [doc. #24]. Since that time, petitioner has not sought a further
 4 extension of time in which to file objections to the Report. The Report therefore is unopposed.

5 A district judge "may accept, reject, or modify the recommended decision" on a
 6 dispositive matter prepared by a magistrate judge proceeding without the consent of the parties
 7 for all purposes. FED. R. CIV. P. 72(b); *see* 28 U.S.C. § 636(b)(1). "The court shall make a *de*
 8 *novo* determination of those portions of the [report and recommendation] to which objection is
 9 made." 28 U.S.C. § 636(b)(1). Section 636(b)(1) does not require some lesser review by the
 10 district court when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The
 11 "statute makes it clear that the district judge must review the magistrate judge's findings and
 12 recommendations *de novo if objection is made, but not otherwise.*" *United States v. Reyna-*
 13 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in the original); *see Schmidt v.*
 14 *Johnstone*, 263 F. Supp. 2d 1219, 1225-26 & n.5 (D. Ariz. 2003) (applying *Reyna-Tapia* to
 15 habeas review).

16 Because the parties have not filed objections to the Report, and the magistrate judge has
 17 carefully and fully considered the arguments of the parties, the Court will adopt the Report.

18 Based on the foregoing, the Report and Recommendation is **ADOPTED** in its entirety;
 19 and the petition is **DENIED** with prejudice. The Clerk of the Court is directed to enter judgment
 20 in accordance with this Order.

21 **IT IS SO ORDERED.**

22 DATED: May 23, 2008

23 
 24 M. James Lorenz
 United States District Court Judge

25 COPY TO:

26 HON. LOUISA S. PORTER
 UNITED STATES MAGISTRATE JUDGE

28 ALL PARTIES/COUNSEL

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